



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

April 12, 2018

MR. RAMYA KRISHNAN
KNIGHT FIRST AMENDMENT INSTITUTE
COLUMBIA UNIVERSITY
206 KENT HALL
1140 AMSTERDAM AVENUE
NEW YORK, NY 10027

FOIPA Request No.: 1391980-000
Subject: All Documents Relating to Any Form of
Sanction Imposed, or Considered for Imposition, on
Agency and/or Former Agency Employees for Failure
to Comply with Prepublication Review Obligations

Dear Mr. Krishnan:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemptions boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☐ (b)(1)

☐ (b)(2)

☐ (b)(3)

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☐ (b)(7)(D)

☐ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

2 pages were reviewed and **2 pages** are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, check boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

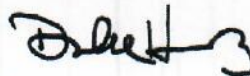
You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following website: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☐ The enclosed material is from the main investigative file(s), meaning the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown such additional references, if identified to the same subject of the main investigative file, usually contain information similar to the information processed in the main file(s). As such, we have given priority to processing only the main investigative file(s) given our significant backlog. If you would like to receive any references to the subject(s) of your request, please submit a separate request for the reference material in writing. The references will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

The enclosed documents represent the final release of information responsive to your Freedom of Information Act (FOIA) request.

This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

PRECEDENT REPORT

LIMITED TO:

To maintain the anonymity of the person(s) involved, the term "he" is being used to refer to both genders.

1 **OPR# 2006-0371** **Closed: 1/22/2007** **References: 5.23**

[REDACTED]
[REDACTED] (4.9, 4.10);
(5.18) [REDACTED] However, it was determined that employee violated 5.23 (violation of miscellaneous rules/regulations) when he failed to submit information which he posted on the internet for Prepublication Review prior to making the postings.

MITIGATION: All of the information contained in the postings was determined to already be in the public domain.

FINAL ACTION(S): OPR FINAL DECISION: ORAL REPRIMAND

2 **OPR# 2008-0260** **Closed: 6/17/2009** **References: 4.9**

[REDACTED] disclosed sensitive FBI material to another federal agency without submitting that information for prepublication review (4.9). [REDACTED]

[REDACTED] immediately suspend employee.

AGGRAVATION: [REDACTED]

FINAL ACTION(S): OPR PROPOSED DECISION Proposed 30 CALENDAR DAYS SUSPENSION WITHOUT PAY
OPR FINAL DECISION: 30 CALENDAR DAYS SUSPENSION WITHOUT PAY
APPELLATE UNIT: RETIRED UNDER INQUIRY
APPELLATE UNIT: CLOSED ADMINISTRATIVELY

3 **OPR# 2009-0202** **Closed: 9/30/2011** **References: 2.8, 5.23, 5.7**

[REDACTED] (5.7 Failure to Report - Administrative), [REDACTED] (2.8 Misuse of Position - Exploiting FBI Employment), and failed to submit information used in outside employment for pre-publication review [REDACTED] (5.23 Violation of Miscellaneous Rules/Regulations).

APPELLATE DECISION - On appeal the sanction was modified to a letter of censure due to the lack of evidence supporting the finding that the Appellant [REDACTED]

MITIGATION: [REDACTED]

AGGRAVATION: [REDACTED]

FINAL ACTION(S): OPR FINAL DECISION: 7 CALENDAR DAYS SUSPENSION WITHOUT PAY
APPELLATE UNIT: LETTER OF CENSURE

PRECEDENT REPORT

LIMITED TO:

To maintain the anonymity of the person(s) involved, the term "he" is being used to refer to both genders.

6 OPR# 2014-0086, APU# 2015-0044 Closed: 4/29/2015 References: 4.10

SSA registered an FBI training manual with the United States Copyright Office (4.10).

Appellate Decision - AD, HRD, affirmed OPR's 4.10 finding that, without authorization, the SSA registered a law enforcement sensitive FBI training manual with the U.S. Copyright Office, which automatically made the manual publicly available at the Library of Congress. The AD also affirmed OPR's findings in mitigation and aggravation and its imposition of the standard 7-day suspension.

MITIGATION:

AGGRAVATION:

FINAL ACTION(S): OPR FINAL DECISION: 7 CALENDAR DAYS SUSPENSION WITHOUT PAY
APPELLATE UNIT: AFFIRMED

2/26/2018 4:36:03 PM

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